



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR - 1 2017

REPLY TO THE ATTENTION OF:

LC-17J

VIA EMAIL

Mr. Jerome Styla
All Chemical, LLC
15120 Third Avenue
Highland Park, Michigan 48203

allchemicalllc@gmail.com

Consent Agreement and Final Order In the Matter of All Chemical, LLC
Docket Number **FIFRA-05-2017-0010**

Mr. Styla:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on March 1, 2017 with the Regional Hearing Clerk.

The civil penalty in the amount of \$500 is to be paid in the manner described in paragraphs 85-86. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudia Niess".

Claudia Niess
Pesticides and Toxics Compliance Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

All Chemical, LLC
Highland Park, Michigan

Respondent



Docket No. FIFRA-05-2017-0010

Proceeding to Assess a Civil Penalty
Under Section 14(a) of the Federal
Insecticide, Fungicide, and Rodenticide
Act, 7 U.S.C. § 136l(a)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5.

3. The Respondent is All Chemical, LLC (All Chemical), a corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states it is unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.

11. Section 2(q)(1)(F), 7 U.S.C. § 136(q)(1)(F), states that a pesticide is misbranded if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under Section 3 of FIFRA, are adequate to protect health and the environment.

12. 40 C.F.R. § 156.10(i)(2) specifies the contents that must be included in the directions for use of a pesticide product's label.

13. 40 C.F.R. § 156.10(i)(2)(ix) states the directions for use must include specific directions concerning the storage, residue removal and disposal of the pesticide and its container, in accordance with 40 C.F.R. Part 156, Subpart H. *See also 40 C.F.R. § 156.10(a)(1)(viii).*

14. 40 C.F.R. § 156.10(i)(2)(x)(F) states that the directions for use must include any limitations or restrictions on use required to prevent unreasonable adverse effects, including

pertinent information which the Administrator of the EPA determines to be necessary for the protection of man and the environment.

15. 40 C.F.R. § 156.140 requires that the container type be identified on the label or container of the pesticide product.

16. Section 2(q)(1)(G), 7 U.S.C. § 136(q)(1)(G), states that a pesticide is misbranded if the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under Section 3 of FIFRA, is adequate to protect health and the environment.

17. 40 C.F.R. § 156.10(a)(1)(vii) requires that every pesticide product bear a label containing hazard and precautionary statements as prescribed 40 C.F.R. Part 156, Subparts D and E.

18. 40 C.F.R. § 156.68 requires that the pesticide product must bear a first aid statement if the product has systemic effects in Category I, II, or III, or skin or eye irritation effects in Category I or II.

19. 40 C.F.R. § 156.70(a) states that required precautionary statements must appear together on the label or labeling under the general heading "Precautionary Statements" and under appropriate subheadings similar to "Humans and Domestic Animals," and "Environmental Hazards." *Also see 40 C.F.R. Part 156, Subpart E.*

20. 40 C.F.R. § 156.70(b) states that when data or other information show that an acute hazard may exist to humans or domestic animals, the label must bear precautionary statements describing the particular hazard, the route(s) of exposure and the precautions to be taken to avoid accident, injury or toxic effect or to mitigate the effect.

21. 40 C.F.R. § 156.80 requires each pesticide product to bear hazard and precautionary statements for environmental hazards, as prescribed in 40 C.F.R. Part 156, Subpart E.

22. Section 2(q)(2)(C), 7 U.S.C. § 136(q)(2)(C), states that a pesticide is misbranded if the label does not bear the name of the producer, registrant or person for whom the pesticide is produced. *Also see 40 C.F.R. § 156.10(a)(1)(ii) and (c).*

23. 40 C.F.R. § 152.132 states that a registrant may distribute or sell his registered product under another person's name and address instead of (or in addition to) his own. The product is referred to as a "distributor product."

24. 40 C.F.R. § 152.132 states that supplemental distribution is permitted upon notification to the Agency if all of the following conditions are met: (a) The registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor's company number, the additional brand name(s) to be used, and the registration number of the registered product, (b) The distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces, packages, and labels the registered product, (c) The distributor product is not repackaged (remains in the producer's unopened containers), (d) The label of the distributor product is the same as that of the registered product, except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor's company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary, and (e) Voluntary cancellation of a product applies to the registered product and all

distributor products distributed or sold under that registration number.

25. Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), states that no person shall produce any pesticide subject to FIFRA or active ingredient used in producing a pesticide subject to FIFRA in any State unless the establishment in which it is produced is registered with the Administrator. The application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such establishment. *Also see 40 C.F.R. § 167.20.*

26. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), states any producer operating an establishment registered under Section of FIFRA must inform the Administrator within 30 days after it is registered of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides which the producer is currently producing; which the producer has produced during the past year; and which the producer has sold or distributed during the past year. This information must be kept current and submitted to the Administrator annually. *Also see 40 C.F.R. § 167.85.*

27. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), states it is unlawful for any person who is a producer to violate any of the provisions of Section 7 of FIFRA.

28. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), states it is unlawful for any person who is distributor to fail to file reports required by FIFRA.

29. The term “Administrator,” as defined in Section 2(b) of FIFRA, 7 U.S.C. § 136(b), means the Administrator of the Environmental Protection Agency.

30. The term “distribute or sell,” as defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), means “to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.”

31. The term “person,” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s), means “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”

32. A “pest,” as defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the Administrator of EPA declares to be a pest under Section 25(c)(1) of FIFRA.

33. A “pesticide,” as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), means, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

34. The term “producer,” as defined in Section 2(w) of FIFRA, 7 U.S.C. § 136(w), means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or active ingredient used in producing a pesticide.

35. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136(a)(1) and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

36. The Respondent is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

37. The Respondent is a “producer” as defined at Section 2(w) of FIFRA, 7 U.S.C. § 136(w).

38. At all times relevant to the CAFO, Respondent owned or operated a place of

business located at 15120 Third Avenue, Highland Park, Michigan 48203.

39. On or about September 18, 2015, an inspector employed by the Michigan Department of Agriculture and Rural Development, Pesticide and Plant Management Division, and authorized to conduct inspections under FIFRA, conducted an inspection at All Chemical's place of business located at 15120 Third Avenue, Highland Park, Michigan.

**Mint 7 Neutral Disinfectant Cleaner and Pine 6 Neutral Disinfectant Cleaner
EPA Reg. No. 1839-168-32969**

40. During the inspection, the inspector learned that the Respondent produces and distributes at least two pesticides at its establishment: **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**.

41. Both products are distributor products pursuant to 40 C.F.R. § 152.132.

42. On or about March 9, 1994, EPA approved the registration for the pesticide product **BTC® 885 Neutral Disinfectant Cleaner-32**.

43. EPA assigned EPA Registration Number (EPA Reg. No.) 1839-168 to the pesticide product, **BTC® 885 Neutral Disinfectant Cleaner-32**.

44. On or about November 29, 2011, EPA accepted, with comments, a label for **BTC® 885 Neutral Disinfectant Cleaner-32**, EPA Reg. No. 1839-168.

45. On or about June 27, 1996, the registrant submitted a Notice of Supplemental Distribution of a Registered Pesticide Product, **BTC® 885 Neutral Disinfectant Cleaner-32**, that listed the distributor product name as **Mint 7 Neutral Disinfectant Cleaner**.

46. On or about June 18, 1996, the registrant submitted a second Notice of Supplemental Distribution of a Registered Pesticide Product, **BTC® 885 Neutral Disinfectant Cleaner-32**, that also listed the distributor product name as **Pine 6 Neutral Disinfectant Cleaner**.

47. The EPA assigned the distributor products **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969.

48. Pursuant to 40 C.F.R. Section 152.132(d), the language on the distributor labels for the pesticides **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, must be the same as the language of the registered product, **BTC® 885 Neutral Disinfectant Cleaner-32**, EPA Reg. No. 1839-168.

49. **Mint 7 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

50. **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

51. During the September 18, 2015 inspection, the inspector collected bin labels for **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969.

52. During the September 18, 2015 inspection, the inspector also collected shipping records showing the distribution or sale of **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969.

53. For the shipping records that the inspector collected, the bin labels were true and accurate representations of labels that were attached to the products that were released for shipment.

54. The “First Aid” language on the November 29, 2011 label for **BTC® 885 Neutral Disinfectant Cleaner-32**, EPA Reg. No. 1839-168, states:

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call poison control center or doctor for treatment advice.

If swallowed: Call poison control center or doctor immediately for treatment advice.

Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

55. Instead, the “First Aid” language on the labels of **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, collected during the September 18, 2015 inspection stated:

STATEMENT OF PRACTICAL TREATMENT

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes. For eyes, call a physician.

If swallowed, drink egg whites or gelatin solution; or if these are not available, drink large quantities of water. Avoid alcohol. Call a physician immediately.

56. The “Directions for Use” language on the November 29, 2011 label for **BTC® 885 Neutral Disinfectant Cleaner-32**, EPA Reg. No. 1839-168, includes:

(This product or product name) is not be used as a terminal sterilant/high-level disinfectant on any surface or instrument that (1) is introduced directly into the human body either into or in contact with the bloodstream or normally sterile areas of the body, or (2) contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.

or

(This product or product name) is not for use on critical or semi-critical medical device surfaces.

57. Instead, the following “Directions for Use” language on the labels of **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, collected during the September 18, 2015 inspection, was found under the heading “Special Instructions for Cleaning and Decontamination Against HIV-1 of Surfaces/Objects

Soiled with Blood/Body Fluids. Personal Protection:”

This product is not to be used as a terminal sterilant/high level disinfectant on any surface or instrument that (1) is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body, or (2) contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body. This product may be used to pre-clean or decontaminate critical or semi-critical medical devices prior to sterilization or high-level disinfection.

58. The “Directions for Use” language on the November 29, 2011 label for **BTC® 885**

Neutral Disinfectant Cleaner-32, EPA Reg. No. 1839-168, includes:

To disinfect toilet bowls - Remove gross filth or soils from surfaces with bowl brush. Add 4 ounces of (this product or product name) to the bowl water. Brush or swab the bowl completely using a scrub brush or toilet mop making sure to get under the rim. Let stand for 10 minutes and flush.

59. Instead, the “Directions for Use” language on the labels of **Mint 7 Neutral**

Disinfectant Cleaner and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-

32969, collected during the September 18, 2015 inspection, included under the heading

“Disinfection:”

To disinfect toilet bowls, flush toilet, ad (sic) 4 ounces of this product directly to the bowl water. Swab the bowl completely using a scrub brush or toilet mop, making sure to get under the rim. Let stand for 10 minutes and flush.

60. The “Directions for Use” language on the November 29, 2011 label for **BTC® 885**

Neutral Disinfectant Cleaner-32, EPA Reg. No. 1839-168, includes:

**VIRUCIDAL ACTIVITY - (This product or product name) when used on environmental, inanimate, hard, non-porous surfaces exhibits effective virucidal activity against HIV-1, HIV-2, Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Herpes Simplex Type 1 (causative agent of fever blisters), Herpes Simplex Type 2 (genital), Influenza A2/Hong Kong, Vaccinia, Rotavirus, Human Coronavirus (ATCC VR-740, Strain 229E), SARS associated Coronavirus, Bovine Viral Diarrhea Virus (BVDV), Pseudorabies, Bovine Rhinotracheitis, Feline Leukemia, Feline Picornavirus, Avian Influenza A Virus H9N2, Avian Influenza A Virus H3N2, Canine Distemper Virus, Rabies Virus, Paramyxovirus (Mumps) and Porcine Respiratory & Reproductive Syndrome Virus (PRRSV). Add 4 ounces of the product per gallon of water. For heavily soiled areas, a pre-cleaning step is required. Apply solution with a cloth, mop, sponge, hand pump trigger sprayer or low*

pressure coarse sprayer so as to wet all surfaces thoroughly. Allow the surface to remain wet for 10 minutes, then remove excess liquid.

61. Instead, the “Directions for Use” language on the labels of **Mint 7 Neutral**

Disinfectant Cleaner and Pine 6 Neutral Disinfectant Cleaner, EPA Reg. No. 1839-168-

32969, collected during the September 18, 2015 inspection, included:

**VIRUCIDAL ACTIVITY - This product when used on environmental, inanimate hard non porous surfaces at 4 ounces per gallon of water exhibits effective virucidal activity against Herpes Simplex Type 1 (causative agent of fever blisters), Herpes Simplex Type 2 (genital disease), Influenza A2/Hong Kong, Vaccinia, Pseudorabies, Bovines Rhinotracheitis, Feline Leukemia, Feline Picornavirus, and Canine Distemper.*

62. The “Precautionary Statements” language on the November 29, 2011 label for

BTC® 885 Neutral Disinfectant Cleaner-32, EPA Reg. No. 1839-168, includes:

Causes irreversible eye damage and skin burns. Do not get in eyes, on skin or on clothing. May be fatal if absorbed through the skin. Harmful if swallowed. Wear goggles or face shield, rubber gloves, and protective clothing. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco.

63. Instead, the “Precautionary Statements” language on the labels of **Mint 7 Neutral**

Disinfectant Cleaner and Pine 6 Neutral Disinfectant Cleaner, EPA Reg. No. 1839-168-

32969, collected during the September 18, 2015 inspection, included:

Causes eye and skin damage. Do not get in eyes, on skin or on clothing. Wear goggles or face shield and rubber gloves when handling. Harmful or fatal if swallowed. Avoid contamination of food. Remove contaminated clothing and wash before reuse. Wash thoroughly with soap and water after handling.

64. The “Storage and Disposal” language on the November 29, 2011 label for **BTC®**

885 Neutral Disinfectant Cleaner-32, EPA Reg. No. 1839-168, includes:

PESTICIDE STORAGE - Store in a dry place no lower in temperature than 50°F or higher than 120°F. Store in an area inaccessible to children.

65. Instead, the “Storage and Disposal” language on the labels of **Mint 7 Neutral**

Disinfectant Cleaner and Pine 6 Neutral Disinfectant Cleaner, EPA Reg. No. 1839-168-

32969, collected during the September 18, 2015 inspection, included:

STORAGE: Store in a dry place no lower in temperature than 50°F or higher than 120°F.

66. The “Storage and Disposal” language on the November 29, 2011 label for **BTC®**

885 Neutral Disinfectant Cleaner-32, EPA Reg. No. 1839-168, includes:

(for products with household/residential use-sites only)

CONTAINER DISPOSAL - Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available.

(for products with industrial, institutional and commercial use sites)

CONTAINER DISPOSAL - Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. Triple rinse container promptly after emptying.

For containers 2 gallons or less with a one-way opening that doesn't allow containers to be rinsed: Nonrefillable container. Do not reuse or refill this container. Replace cap and discard in trash. Offer for recycling if available.

(Containers 5 gallons or less)

Triple rinse as follows: Fill container $\frac{3}{4}$ full with water and recap. Agitate vigorously. Follow Pesticide Disposal instructions for rinsate disposal. Drain for 10 seconds after the flow begins to drip. Repeat procedure two more times. Then offer for recycling or reconditioning. If not available, puncture and dispose in a sanitary landfill.

(Containers greater than 5 gallons):

Triple rinse as follows: Fill container $\frac{3}{4}$ full with water. Tip container on its side and roll it back and forth, ensuring at least one complete revolution for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Follow Pesticide Disposal instructions for rinsate disposal. Repeat this procedure two more times. Then offer for recycling or reconditioning. If not available, puncture and dispose in a sanitary landfill.

67. Instead, the “Storage and Disposal” language on the 1 gallon labels of **Mint 7**

Neutral Disinfectant Cleaner and Pine 6 Neutral Disinfectant Cleaner, EPA Reg. No. 1839-

168-32969, collected during the September 18, 2015 inspection, included:

CONTAINER DISPOSAL - Do not reuse empty container. Triple rinse empty container with water. Return metal drum then offer for reconditioning or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers may be disposed of in a sanitary landfill, incinerated, or if allowed by local authorities, by burning. If burned, stay out of smoke.

68. During the September 18, 2015 inspection, the inspector learned that when selling the pesticides in 5 gallon containers, Respondent places the 1-gallon bin label for **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, on 5-gallon containers and strikes the portion of the container that indicates “1 GALLON” and replaces it with “5 GALLONS” with a marker.

69. However, the November 29, 2011 label for **BTC® 885 Neutral Disinfectant Cleaner-32**, EPA Reg. No. 1839-168, requires that containers which are 5 gallons or greater to include the following language under the “Precautionary Statements” language:

(for containers 5 gallons or greater)

ENVIRONMENTAL HAZARDS

This product is toxic to fish. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

**Note: All italics language indicates quoted language from the accepted and bin labels.*

70. The bin labels collected during the September 18, 2015 inspection, state that the pesticides are “SOLD BY: All-Chem Corporation.”

71. The inspector learned during the inspection that both **Mint 7 Neutral Disinfectant Cleaner** and **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, are produced and sold by the Respondent.

72. Respondent has not registered its establishment as required by Section 7 of FIFRA and 40 C.F.R. § 167.20.

73. To date, Respondent has not filed its annual production report for calendar years 2011, 2012, 2013, 2014, and 2015 for its Pesticide-Producing Establishment located at 15120

Third Avenue, Highland Park, Michigan 48203, as required by Section 7 of FIFRA and 40 C.F.R. § 167.85.

74. Respondent distributed or sold **Mint 7 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, to Trail Supply, LLC, located in Grass Lake, Michigan, on or about the following dates:

- a. January 29, 2013;
- b. April 2, 2013;
- c. December 18, 2013;
- d. March 21, 2014;
- e. July 3, 2014;
- f. September 2, 2014;
- g. December 9, 2014;
- h. March 10, 2015; and
- i. June 22, 2015.

75. Respondent distributed or sold **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, to Trail Supply, LLC, located in Grass Lake, Michigan, on or about the following dates:

- a. January 29, 2013;
- b. April 2, 2013;
- c. March 21, 2014;
- d. July 3, 2014;
- e. September 2, 2014;
- f. December 9, 2014; and

g. June 22, 2015.

Counts 1-9 for Mint 7 Neutral Disinfectant Cleaner

76. The preceding paragraphs are incorporated by reference.

77. On or about January 29, 2013; April 2, 2013; December 18, 2013; March 21, 2014; July 3, 2014; September 2, 2014; December 9, 2014; March 10, 2015; and June 22, 2015, Respondent distributed or sold a misbranded pesticide, **Mint 7 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, to Trail Supply, LLC, located in Grass Lake, Michigan.

78. Respondent's distribution or sale of **Mint 7 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, on nine separate occasions constitutes nine separate unlawful acts pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), because the pesticide was misbranded pursuant to Sections 2(q)(1)(F), 2(q)(1)(G) and 2(q)(2)(C) of FIFRA and 40 C.F.R. Part 156.

79. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on nine separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a) for each occasion.

Counts 10-16 for Pine 6 Neutral Disinfectant Cleaner

80. The preceding paragraphs are incorporated by reference.

81. On or about January 29, 2013; April 2, 2013; March 21, 2014; July 3, 2014; September 2, 2014; December 9, 2014; and June 22, 2015, Respondent distributed or sold a misbranded pesticide, **Pine 6 Neutral Disinfectant Cleaner**, EPA Reg. No. 1839-168-32969, to Trail Supply, LLC, located in Grass Lake, Michigan.

82. Respondent's distribution or sale of **Pine 6 Neutral Disinfectant Cleaner**, EPA

Reg. No. 1839-168-32969, on seven separate occasions constitutes seven separate unlawful acts pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), because the pesticide was misbranded pursuant to Sections 2(q)(1)(F), 2(q)(1)(G) and 2(q)(2)(C) of FIFRA and 40 C.F.R. Part 156.

83. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on seven separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a) for each occasion.

Civil Penalty and Other Relief

84. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(4), requires the Administrator to consider the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation, when assessing an administrative penalty under FIFRA.

85. Based on an evaluation of the facts alleged in this CAFO, the factors in Section 14(a)(4) of FIFRA, specifically including the Respondent's size of business and ability to continue in business, and EPA's Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act, dated December 2009, Complainant has determined the appropriate penalty to settle this action is \$500.

Within 30 days after the effective date of this CAFO, Respondent must pay a \$500 civil penalty for the FIFRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

In the comment or description field of the electronic funds transfer, include "All Chemical, LLC" and the docket number of this CAFO.

86. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Claudia Niess (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Nidhi K. O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

87. This civil penalty is not deductible for federal tax purposes.

88. If Respondent does not pay the civil penalty in a timely manner, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

89. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date

payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

90. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses for their respective attorneys: omeara.nidhi@epa.gov (for Complainant), and allchemicalllc@gmail.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

91. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in this CAFO.

92. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

93. This CAFO does not affect Respondent's responsibility to comply with FIFRA and other applicable federal, state, and local laws.

94. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for FIFRA.

95. The terms of this CAFO bind Respondent, its successors, and assigns.

96. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

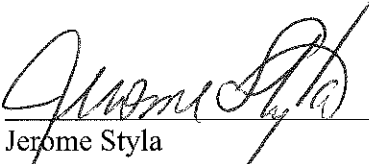
97. Each party agrees to bear its own costs and attorney's fees, in this action.

98. This CAFO constitutes the entire agreement between the parties.

**In the Matter of:
All Chemical, LLC**

All Chemical, LLC, Respondent

FEB. 6, 2017
Date



Jerome Styla
Owner
All Chemical, LLC

**In the Matter of:
All Chemical, LLC**

United States Environmental Protection Agency, Complainant

2/28/17

Date



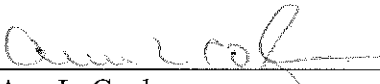
Ignacio L. Arrázola
Acting Director
Land and Chemicals Division

In the Matter of:
All Chemical, LLC
Docket No. FIFRA-05-2017-0010

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

February 28, 2017
Date



Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the matter of: All Chemical, LLC
Docket Number: **FIFRA-05-2017-0010**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **FIFRA-05-2017-0010**, which was filed on March 1, 2017, in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant:

Ms. Nidhi K. O'Meara
omeara.nidhi@epa.gov

Copy by E-mail to
Attorney for Respondent:

Mr. Jerome Styla
allchemicalllc@gmail.com

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: March 1, 2017



Lal Dawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5